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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,337	08/23/2000	Keith Robert Broerman	RCA 89,982	2978

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EXAMINER

ENG, DAVID Y

ART UNIT PAPER NUMBER

2155

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/644,337	BROERMAN, KEITH ROBERT	
	Examiner	Art Unit	
	DAVID Y. ENG	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 21 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claims 18-20 and 22 have already been cancelled. The active claims are 1-17, 21 and 23.

In view of Applicants' amendment filed 3/4/2005, the section 112, first paragraph rejection is withdrawn.

Claims 1-17, 21 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Four addresses are recited in independent claims 1, 6 and 21 for directing packetized data to a local network. The claims fail to recite what those four addresses represent. It appears that comparing addresses broadly labeled as IP destination addresses and substituting a protocol layer address for a received second protocol layer address in response to comparing would not direct anything to anywhere. Certainly that is not Applicants' invention. The claims therefore fail to particularly point out and distinctly claim the subject matter which applicant regards as the invention as required by the statute.

In line 3 of claim 2, it appears that "that" should be "than".

With respect to claim 4, its parent claim 1 recites that the payload is redirected to a local network and not to the bi-directional communication system or modem as recited in claim 4.

In claim 5, its parent claim 1 recites that the payload is redirected from the Internet to a local network and not from a first network to a communication buffer as recited in claim 5.

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Claims 6-17 have similar defects set forth above.

Furthermore there is no recitation in claim 6 as to how the second protocol layer (MAC) address is determined. The comparing step produces only the outcome of either match or no match and not protocol layer address as recited. Essential steps are missing.

Claim 7 fails to make clear where the payload is redirected to using the second protocol layer address.

Further with respect to claim 21, following the steps recited in claim 21 does not result in directing packetized data between networks. Essential steps appear to be missing. Furthermore, it appears that a domain name has to be captured or intercepted first before it can be used for matching and not the other way around as recited in claim 21. Still further, there is no apparent relationship between the predetermined IP address as obtained in the translating step and the substituting of different MAC layer addresses in the wherein clause.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims, 1-17, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slemmer (USP 6,377,990).

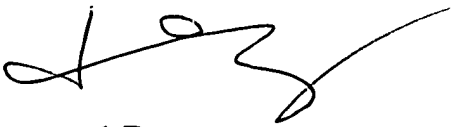
Details of the rejection have already been set forth in the last Office action. The details are incorporated herein by reference thereto.

In the Applicants' remarks filed on 3/4/2005, it appear that Applicants agreed that Slemmer taught comparing IP addresses and replacing foreign IP addresses such that

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payload packets are redirected to local network (Applicants' remarks in the third paragraph of page 8). Applicants relied on patentability that Slemmer replaces addresses of same layer instead of different layers. Applicants' remarks are not understood. Applicants fail to explain what the significant is on IP packet destination address being in a protocol layer different than the protocol layer of substituting address. Applicants fail to explain why it is a patentable distinct feature. See In re Nielson cited in the last Office action.

In Slemmer, the IP addresses being compared and the foreign IP addresses being replaced are in different layer. See lines 44 to 47 of column 3 in Slemmer. Slemmer stated that communications on the network take place under a layered protocol with one layer governing communications in local area network 20 (implying more than one protocol layer in the communications). The addresses Slemmer replaced are in foreign class (different layer) and not in the same layer as the IP addresses received on the gateway (lines 20-28 of column 3). Further, the substituting addresses, same as in the claims, are for redirecting payload to a local area network.



DAVID A. LIND
PRIMARY EXAMINER